

THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF MICHIGAN
 JAMES STEWART #507710
 VS. PRISONERS

FILED - MQ

June 17, 2022 10:44 AM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: mic SCANNED BY: *MS*

CIVIL ACTION NO. _____

2:22-cv-127

Maarten Vermaat

U.S. Magistrate Judge

WARDEN CONNIE HORTON
 UNKNOWN ANDERSON, 3RD SHIFT C/O
 UNKNOWN CASSY, 2ND SHIFT C/O
 UNKNOWN SCHROVENWEVER, 2ND SHIFT C/O
 JONATHAN WARE, 2ND SHIFT C/O
 INDIVIDUALLY AND IN THEIR
 OFFICIAL CAPACITIES

DEFENDANTS

I JURISDICTION

1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION, UNDER COLOR OF STATE LAW OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343(A)(3). PRISONERS SEEK DECLATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202. PRISONERS CHASE FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C. SECTION 2283 & 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

2. THE WESTERN DISTRICT OF MICHIGAN IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1391(B)(2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURRED.

II PRISONERS

3. PRISONER JAMES ALFRED STEWART #507710 IS AND WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE MICHIGAN STATE OF MICHIGAN IN THE CUSTODY OF THE MICHIGAN DEPARTMENT OF CORRECTIONS. HE IS CURRENTLY CONFINED IN BARAGA CORRECTIONAL FACILITY IN BARAGA MICHIGAN. INCIDENT OCCURRED CHIPPewa CORRECTIONAL FACILITY IN FINCH/OF MICHIGAN.

III DEFENDANTS

4. DEFENDANT CONNIE HORTON IS THE WARDEN OF CHIPPewa CORRECTIONAL FACILITY. SHE IS LEGALLY RESPONSIBLE FOR THE OPERATION OF CHIPPewa CORRECTIONAL FACILITY AND FOR THE WELFARE OF ALL THE INMATES IN THAT PRISON.

5. DEFENDANT UNKNOWN ANDERSON IS A 3RD SHIFT CORRECTIONAL OFFICER OF THE MICHIGAN DEPARTMENT OF CORRECTIONS WHO AT ALL TIMES MENTIONED IN THIS COMPLAINT HELD THE RANK OF CORRECTIONAL OFFICER AND WAS ASSIGNED TO CHIPPewa CORRECTIONAL FACILITY.

6. DEFENDANT UNKNOWN CASSY IS A 2ND SHIFT CORRECTIONAL OFFICER OF THE MICHIGAN DEPARTMENT OF CORRECTIONS WHO AT ALL TIMES MENTIONED IN THIS COMPLAINT HELD THE RANK OF CORRECTIONAL OFFICER AND WAS ASSIGNED TO CHIPPewa CORRECTIONAL FACILITY.

7. DEFENDANT UNKNOWN SCHROVENWEVER IS A 2ND SHIFT CORRECTIONAL OFFICER OF THE MICHIGAN DEPARTMENT OF CORRECTIONS WHO AT ALL TIMES MENTIONED IN THIS COMPLAINT HELD THE RANK OF CORRECTIONAL OFFICER AND WAS ASSIGNED TO CHIPPewa CORRECTIONAL FACILITY.

8. DEFENDANT JONATHAN WARE IS A 2ND SHIFT CORRECTIONAL OFFICER OF THE MICHIGAN DEPARTMENT OF CORRECTIONS WHO AT ALL TIMES MENTIONED IN THIS COMPLAINT HELD THE RANK OF CORRECTIONAL OFFICER AND WAS ASSIGNED TO CHIPPewa CORRECTIONAL FACILITY.

III FACTS

9. I WROTE A LETTER IN REGARDS TO MY LOST PROPERTY TO CONNIE HORTON, WHICH I RECEIVED NO RESPONSE. AND SINCE SHE'S THE WARDEN OF CHIPPEWA CORRECTIONAL FACILITY IT IS HER DUTY TO PROTECT PRISONER'S PROPERTY.

10. DEFENDANT UNKNOWN ANDERSON WHO WAS/IS A 3RD SHIFT CORRECTIONAL OFFICER AT CHIPPEWA CORRECTIONAL FACILITY WAS THE ONE WHO TOLD ME A PAIR OF SLIP THAT HAD A LOT OF PROPERTY OF MINE MISSING.

11. DEFENDANT UNKNOWN CASSY WAS A 2ND SHIFT CORRECTIONAL OFFICER AT CHIPPEWA CORRECTIONAL FACILITY WAS THE ONE WHO WENT INTO THE CELL I WAS CURRENTLY AT STEAMBOAT 311 AND TOOK BOOKS OUT OF THE CELL WHICH CAMERA FOOTAGE WILL SHOW ON 10-2-2021 AT AROUND 4:00 PM - 10:00 PM, AS WELL AS HE WAS THE UNIT OFFICER WHO HAS HIS RESPONSIBILITY FOR MY PROPERTY.

12. DEFENDANT JONATHAN WARE WAS A 2ND SHIFT CORRECTIONAL FACILITY AT CHIPPEWA CORRECTIONAL FACILITY WAS THE ONE WHO SHACKLED ME WHEN I WAS EMERGENCY TRANSFERRED FROM CHIPPEWA CORRECTIONAL FACILITY TO BARAGA CORRECTIONAL FACILITY WHICH PUT HIM IN THE PRESENT OF MY STOLEN/LOST PROPERTY.

13. DEFENDANT UNKNOWN SCHROEDER WAS A 2ND SHIFT CORRECTIONAL OFFICER AT CHIPPEWA CORRECTIONAL FACILITY AND HE WAS A UNIT OFFICER IN STEAMBOAT AND HE HAD AN OBLIGATION TO PROTECT MY PROPERTY WHICH HE FAILED TO DO SO.

14. I AM MISSING 42 BOOKS WHICH WERE BOUGHT JANUARY 2021 AND UP UNTIL 10-2-2021 ALONG WITH MY PRESENTINCE INVESTIGATION REPORT, POLICE REPORT AND TRANSCRIPTS AS WELL AS PAPERWORK PERTAINING TO MURKIN CASE # 2:20-CV-200, AS WELL AS ALL GRIEVANCES IN WHICH AND CASE # 2:21-CV-200, AS WELL AS ALL GRIEVANCES IN WHICH WERE FILED AND ALL HEALTH CARE NOTES FILED. I WENT 2 WEEKS WITH NO SHOWER SHOES, 1 PAIR OF UNDERWEAR, NO SOCKS AND ONLY A TUMPLINT DUE TO HAVING NO PROPERTY.

IV LEGAL CLAIMS

15. THE UNLAWFUL CONDITIONS VIOLATED PLAINTIFF JAMES STEWART #107710 RIGHTS AND CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT UNDER THE 8TH AMENDMENT TO THE UNITED STATES CONSTITUTION.

16. THE RIGHT OF PEOPLE TO BE SECURE IN THEIR PAPERS, ETC. AGAINST UNLAWFUL SEIZURES VIOLATED PLAINTIFF JAMES STEWART #107710 RIGHTS AND CONSTITUTED TAKING MY PROPERTY WITH NO PROPER PROCEEDURE UNDER THE 4TH AMENDMENT TO THE UNITED STATES CONSTITUTION.

17. THE RIGHT ALL PERSONS BORN IN THE UNITED STATES AND SUBJECT TO THE JURISDICTION THEREOF ARE CITIZENS OF THE UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE, NO STATE SHALL DEPRIVE ANY PERSON OF PROPERTY WITHOUT DUE PROCESS VIOLATED PLAINTIFF JAMES STEWART #107710 RIGHTS AND CONSTITUTED TAKING MY PROPERTY WITHOUT DUE PROCESS UNDER THE 14TH AMENDMENT SECTION 1 TO THE UNITED STATES CONSTITUTION.

V PRAYER FOR RELIEF

WHEREFORE PLAINTIFF RESPECTFULLY PRAYS THAT THE COURT ENTER JUDGMENT GRANTING PLAINTIFF!

Case 2:22-cv-00127-MV ECF No. 1, PageID.3 Filed 06/17/22 Page 3 of 5
8. A DECLARATION THAT THE AFFIDAVIT OF COMPLAINT HEREIN
VIOLATED PLAINTIFFS RIGHTS UNDER THE CONSTITUTION AND LAWS OF
THE UNITED STATES.

19. COMPENSATORY DAMAGES IN THE AMOUNT OF \$10,000.00 AGAINST EACH
DEFENDANT, JOINTLY AND SEVERALLY
20. PUNITIVE DAMAGES IN THE AMOUNT OF \$5,000.00 AGAINST EACH
DEFENDANT JOINTLY AND SEVERALLY.
21. PLAINTIFFS COSTS IN THIS SUIT.
22. A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY.
23. DEFENDANTS PAY \$621.92 FOR LOSS PROPERTY
24. POINTS WAIVED
25. TRANSFER TO A LEVEL 4 FACILITY
26. ANY ADDITIONAL RELIEF THAT COURT DEEM JUST, PROPER AND EQUITABLE

DATED 6-13-2022

RESPECTFULLY SUBMITTED

JAMES STEWART #507710

BARABA CORRECTIONAL FACILITY

13924 WADABA ROAD

BARABA, MI. 49908

VERIFICATION

I HAVE READ THE FORGOING COMPLAINT AND HEREBY VERIFY THAT
THE MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS TO MATTERS
ALLEGED ON INFORMATION AND BELIEF AND AS TO THOSE I BELIEVE
THEM TO BE TRUE. I CERTIFY UNDER PENALTY OF PERJURY THAT
THE FORGOING IS TRUE AND CORRECT.

SIGNED AT BARABA MICHIGAN ON 6-13-2022

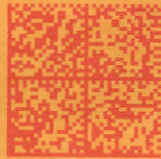


JAMES STEWART #507710

JAMES STEWART #507710
BARAGA CORR. FAC.
13924 WADAGA RD.
BARAGA, MI 49906

TO:

FIRST-CLASS



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